

Message

From: Maignan, Tawanda [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=55FEB19C04B64D36B629242FD3FA4912-TAWANDA MAIGNAN]
Sent: 7/23/2021 3:54:11 PM
To: Wheeler, Maya [Wheeler.Maya.B@epa.gov]
Subject: FW: OR-090007 and OR-090009 chlorpyrifos SLN amendments

FYA

From: Maignan, Tawanda
Sent: Thursday, July 22, 2021 2:06 PM
To: Rose Kachadoorian <rkachadoorian@oda.state.or.us>
Subject: RE: OR-090007 and OR-090009 chlorpyrifos SLN amendments

Rose,

I do appreciate you looking into this in David's absence. We understand that these SLNs were not established to be more restrictive and that OR implemented a state rule for those purposes. Notwithstanding that point, the previously registered SLNs were recently amended to capture the restrictions listed in the state's chlorpyrifos rule. As such, we are asking that minor tweaks be made to the text to ensure there are no discrepancies around the limitations pursuant to OR's law.

Again thanks for your attention to this matter and we look forward to hearing from you soon.
Regards,
Tawanda

From: Rose Kachadoorian <rkachadoorian@oda.state.or.us>
Sent: Wednesday, July 21, 2021 8:32 PM
To: Maignan, Tawanda <Maignan.Tawanda@epa.gov>
Subject: Re: OR-090007 and OR-090009 chlorpyrifos SLN amendments
Importance: High

Tawanda,

David Priebe has been out on unexpected sick leave all week. Hopefully he will be back this week.

I understand that certain people at EPA are now having a dim view of the long standing practice of SLAs issuing SLNs for the exclusive purpose of adding restrictions, rather than adding a new use site (which may or may not add restrictions specific to the new use site). I realize that it was in EPA's guidance for many years; however I had no idea that certain states were semi-commonly issuing these types of registrations, and we have never issued a SLN for the exclusive purpose of adding restrictions. But I suppose that is because it is easier to adopt laws which increase environmental protections and protect people and wildlife in Oregon than in some other states. Even though we have never used SLNs for this purpose, I support states that have issued these types of SLNs. Without this option, they could not use these products without excessive risk. I applaud them for caring about the environment.

Important: These Oregon chlorpyrifos SLNs were not amended to place restrictions on crops not covered by the SLNs. We have a law in place which imposes restrictions on all* uses of chlorpyrifos in the State of Oregon, including of course any uses on any SLNs. The SLNs are just referring back to the state law. It is a challenge sometimes for pesticide users to be aware of a new law unless it is printed on a label.

But I will take a definitely look at your changes, and try and get back to you this week.

FYI: All uses of chlorpyrifos will be prohibited in Oregon after December 31, 2023, except for granular and cattle ear tags
<https://www.oregon.gov/oda/programs/Pesticides/RegulatoryIssues/Documents/Documents/2020/ChlorpyrifosRule.pdf>

Thank you

Rose

* excluding cattle ear tags

On Jul 21, 2021, at 12:36 PM, Maignan, Tawanda <maignan.tawanda@epa.gov> wrote:

Hi Rose,

Recently, the notice below was sent to David's attention regarding the subject SLNs amended this year that we were hoping you could assist us with. There were a couple of revisions identified below that need to be addressed as soon as possible. Therefore, we would appreciate your immediate attention to this matter.

Please let me know if you have any questions.

Thanks,
Tawanda

From: Wheeler, Maya <Wheeler.Maya.B@epa.gov>

Sent: Monday, July 19, 2021 5:13 PM

To: dpriebe@oda.states.or.us

Cc: Bohnenblust, Eric <Bohnenblust.Eric@epa.gov>; Maignan, Tawanda <Maignan.Tawanda@epa.gov>

Subject: OR-090007 and OR-090009 chlorpyrifos SLN amendments

Dear Mr. Priebe,

The two chlorpyrifos amendments (OR-090007 and 090009) you submitted are currently under review. Under FIFRA 24(c), States may include localized restrictions and use directions on 24(c) labels, but may not extend those state-specific restrictions to the federally approved uses by way of a 24(c) label. Therefore, we request that Oregon modify the SLN labels to ensure that the state-specific restrictions are more clearly limited to use pursuant to the SLN, and not to all uses of the products. Specifically, please revise the following sections of the labels:

On Page 3, revise the following statement to limit the restrictions to use pursuant to this SLN: "According to Oregon law, the use of chlorpyrifos is subject to limitations imposed by the Oregon Permanent Chlorpyrifos Rule, OAR 603-057-0545."

On Page 5, revise the statement from "Use of Lorsban Advanced under this SLN (including mixing, loading, and pesticide application), and including special PPE respirator requirements and application recordkeeping requirements, is subject to all provisions of the Oregon Permanent Chlorpyrifos Rule, OAR 603-057-0545." **To** "Use of Lorsban Advanced under this SLN (including mixing, loading, and pesticide application) is subject to all provisions of the Oregon Permanent Chlorpyrifos Rule, OAR 603-057-0545 (including special PPE respirator requirements and application recordkeeping requirements)."

Please send the revised labels back to me by COB Wednesday, July 21, 2021. If you have any questions, please reach out.

Thank you,

Maya